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86th plenary meeting
Thursday, 13 June 2013, 10 a.m.
New York

President: Mr. Jeremić ..... (Serbia)

In the absence of the President, Mr. Beck (Palau), Vice-President, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 35

Protracted conflicts in the GUAM area and their implications for international peace, security and development

Report of the Secretary-General (A/67/869)

Draft resolution (A/67/L.68)

The Acting President: I now give the floor to the representative of Georgia to introduce draft resolution A/67/L.68.

Mr. Makharoblishvili (Georgia): Today I have the honour to introduce the draft resolution on "Status of internally displaced persons and refugees from Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia", contained in document A/67/L.68, and to seek the Assembly's support in once again recognizing the right of return of all forcibly displaced persons to their place of origin in a voluntary, safe and dignified manner, reaffirming respect for property rights and declaring forced demographic changes unacceptable.

A year ago, the General Assembly acted with resolve to guarantee the rights of the forcibly displaced in accordance with international humanitarian law, and tasked the Secretary-General with producing a report on the matter (see resolution 66/283). As in previous years, the current report of the Secretary-General reads:

> "No major changes were observed during the reporting period with regard to refugees and internally displaced persons exercising their right of return, and no new significant displacement was registered." (*A/67/869, para. 14*)

With more than 400,000 evicted persons denied access to their homes, it is our duty to call for their fundamental rights to be respected and for the principles we stand for in this Hall to be upheld, and we shall indeed continue to do so until the conditions for their voluntary, safe, dignified and unhindered return are met.

The draft resolution is of a purely humanitarian nature. Supporting it does not mean taking sides. Its exclusive focus on human rights was a deliberate choice in order to avoid political speculation when the basic rights of the displaced are at issue. Much could be said about the origin and development of the conflict that has led to the displacement of hundreds of thousands of people and, most importantly, to waves of ethnic cleansing of Georgians, Abkhaz, Greeks, Armenians, Ossetians and others, whether Christians, Jews or Muslims. However, that is not what today's draft resolution is about.

The political and practical aspects of the conflict and its settlement are the subject of the Geneva international discussions mediated by the United Nations, the Organization for Security and Cooperation in Europe and the European Union pursuant to the six-point ceasefire agreement of 12 August 2008. Georgia

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is committed to those talks and to the principle of the non-use of force, a pledge my country has made and reiterated unilaterally on numerous occasions at the highest level, including in a letter from our President to the Secretary-General. Georgia will continue its engagement in those talks in good faith.

Whatever the outcome of the Geneva discussions, however, the political dimension of the talks should not hijack the fundamental human rights of those concerned. Indeed, as the Secretary-General's previous report rightly states,

> "The right of return and its exercise by an internally displaced person cannot be directly linked to political questions or the conclusion of peace agreements. It is essential to recognize return as both a human right and a humanitarian issue that must be addressed irrespective of any solution to an underlying conflict." (*A/66/813, para. 34*)

The draft resolution before us, therefore, is not a political tool aimed at obstructing the ongoing negotiations, as one delegation has repeatedly and misleadingly attempted to suggest, but forms the fundamental basis for respecting the human rights of all those evicted from the Abkhazia and Tskhinvali regions by encouraging the participants in the Geneva talks to redouble their efforts to ensure respect for human rights and create conditions conducive to people's voluntary, safe and dignified return. Regrettably, due to the prevailing environment and continued discussions among the parties, the development and design of a comprehensive timetable has remained unresolved. To that end, the Secretary-General calls on those involved in the Geneva Discussions to engage constructively on the issue, building on international law and the relevant principles.

Over the years, the Government of Georgia has taken broad steps to protect the rights of the displaced in accordance with the Guiding Principles on Internal Displacement by providing them with an improved livelihood in new settlements in rehabilitated and privatized centres and with financial assistance. Our State strategy on internally displaced persons (IDPs) and the related action plan were designed in close cooperation with the international community, with the aim of developing durable housing solutions and access to social services. In working to advance implementation of the action plan, the Government has spared no effort to alleviate the suffering caused by expulsion, including by allocating increased financial resources in its 2013 budget.

Georgia is also working to enhance confidence-building measures, particularly through our active participation in and strong support for the Joint Incident Prevention and Response Mechanism and our facilitation of people-to-people contacts. That said, alarming developments on the ground have added to our concerns. The recent intensified installation of barbed-wire fences along the Tskhinvali occupation line has compelled the local population to leave their places of residence, thus creating the threat of a new wave of IDPs. We shall act to deter such illegal activities and prevent new displacement.

An important aspect of today's draft resolution is its call for unimpeded access by humanitarian actors to the displaced population and those living in the conflict-affected areas. The absence of any internationally mandated monitoring mechanism in those territories makes the call even more urgent. In a situation where every international watchdog is blocked from entering the two Georgian regions, it is paramount that we redouble our efforts to ensure unimpeded humanitarian access.

Let me conclude my remarks by saying that we, as the General Assembly of the United Nations, are best placed to respond to the challenges of the international community and to stand up for respect for human rights. With that in mind, I urge the Assembly to send a strong message in support of the hundreds of thousands of forcibly displaced persons and to vote in favour of the draft resolution.

Mr. Churkin (Russian Federation) (*spoke in Russian*): This is now the sixth year in a row that the draft text introduced today (A/67/L.68) has been presented to the General Assembly. Its sponsors invariably declare that in promoting this initiative they are motivated by concern for the needs of those who, as the result of well-known and tragic events, have been deprived of their homes and livelihoods and forced to leave their permanent places of residence. We have to conclude, however, that the current text, like its predecessors, is a highly politicized product. As before, the text has been prepared outside the context of the current geopolitical realities in the region. Thus, the title of the draft resolution itself and a number of positions in the text push the notion of Abkhazia and South Ossetia as belonging to Georgia, which does not take into account

the existence in the region of the independent States of Abkhazia and South Ossetia.

While the draft resolution purports to be aimed at resolving the situation of internally displaced persons and refugees from Abkhazia and South Ossetia, it in fact only complicates the already difficult negotiation process within the framework of the Geneva Discussions. They are, incidentally, the only effective format for negotiations for the representatives of Abkhazia, South Ossetia and Georgia, including on humanitarian issues and the situation of refugees and internally displaced persons.

We are all well aware of Georgia's stubborn unwillingness to conclude legally binding agreements on the non-use of force with Abkhazia and South Ossetia. Against that backdrop, the call to all participants in the Geneva discussions to intensify their efforts to establish a durable peace and to commit to enhanced confidence-building measures looks like demagoguery. If discussion of this subject in New York is proposed, as the draft resolution suggests, it is essential that representatives of the Abkhaz and South Ossetian sides be invited. Such a discussion makes sense only with their participation. Without them it is simply impossible.

The draft resolution again talks about developing some kind of timetable for the return of all internally displaced persons, ignoring the position of the Secretary-General, who has stated repeatedly and clearly in his relevant reports that such a step is impossible at this stage. Thus we have a renewed attempt to gamble with the fates of thousands of Georgians, Abkhaz, Ossetians and citizens of other nationalities who have suffered as a result of the Georgian authorities' shortsighted and aggressive policies.

The Russian Federation is convinced that the draft resolution submitted by Georgia to the General Assembly will not contribute to normalizing the situation in the region or to establishing trust between the Abkhaz, South Ossetian and Georgian sides, which is an essential condition for settling, among others, the problem of refugees and internally displaced persons resulting from an adventurist policy that culminated, as we all know, in Georgia's armed attack on a peaceful Tskhinvali on the night of 7 to 8 August 2008.

On this basis of the foregoing, the delegation of the Russian Federation requests a vote on draft resolution A/67/L.68 and will vote against it.

The Acting President: We have heard the only speaker in the debate on this item.

We shall now proceed to consider draft resolution A/67/L.68, entitled "Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia".

Before giving the floor to speakers in explanation of vote before the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Herczyński (Poland): Five years have passed since the General Assembly adopted its first resolution concerning the status of internally displaced persons and refugees from Abkhazia and the Tskhinvali region in South Ossetia (resolution 62/249). It is regrettable that many security, human rights and humanitarian challenges in the region of Abkhazia and South Ossetia still remain unresolved.

Poland is convinced that the humanitarian concerns of the affected population, including internally displaced persons, are a priority in the present situation. That issue has to be addressed regardless of the political disagreements of the actors in the region. In that regard, Poland reiterates its firm support for the sovereignty and territorial integrity of Georgia within its internationally recognized borders.

We continue to believe that the Geneva discussions are an important forum for strengthening stability in the region and for making progress on the security, humanitarian and other remaining challenges, as the Secretary-General himself puts it in his most recent report (A/67/869) of May 2013. Draft resolution A/67/L.68 rightly stresses the need for intensification of the current talks in order to ensure respect for human rights and create the conditions for the return of internally displaced persons and refugees to their places of origin. We appreciate the role of the annual reporting by the Secretary-General, pursuant to General Assembly resolutions. We are confident that those reports are a useful tool for keeping the international community informed about the situation on the ground. Taking that into account, Poland has decided to vote in support of the draft resolution, as it has in previous years.

Mr. Kolga (Estonia): I have asked for the floor to echo and reinforce the message conveyed in draft resolution A/67/L.68, which was introduced by the

representative of Georgia today. The fact that almost the same draft resolution containing the same calls for improvement has been on our agenda already for six years in a row unfortunately clearly illustrates the unchanged situation on the ground.

In recent months, the situation has deteriorated further, creating additional impediments to the rights of internally displaced persons. We remain particularly concerned about the increased fencing activity along the areas adjacent to the administrative boundary line.

Draft resolution A/67/L.68 is humanitarian in nature and we will vote in favour of it. Our decision arises from our strong and long-standing commitment to fundamental humanitarian principles, including the right to return, property rights and humanitarian access. We are speaking about human beings and their lives here today, and this cannot be called a "politicization" of a matter.

Still, we cannot overlook the fact that internal displacement in Georgia is caused and sustained by complex, unresolved political issues. Estonia believes that the issue of the internally displaced persons requires continuing international attention and only addressing it in an urgent manner will contribute to a solution of the conflict. In that context, I would like to underline the importance of the Geneva discussions and the continuous participation and important role of the United Nations in them.

My delegation also takes this opportunity to reiterate its firm support for the security and stability of Georgia, based on the full respect of the principles of independence, sovereignty and territorial integrity. Last but not least, we would like to call on others to join us and vote in favour of the draft resolution.

Mr. Yanouka (Israel): Israel views positively Georgia's strategy for engagement through cooperation, which aims to build trust and confidence among divided communities. Israel would like to take this opportunity to reiterate once again its support for and recognition of Georgia's territorial integrity. Israel does not support or recognize the unilateral declarations of independence by Abkhazia and South Ossetia. We reiterate our well-established position that the way to resolve long-standing conflicts is through a negotiated, mutually agreed approach, not through unilateral actions.

Mr. Gonsalves (Saint Vincent and the Grenadines): The Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that there are over 26 million internally displaced persons (IDPs) around the world. Those people have been driven from their homes by wars, political disputes, criminal activity and natural disasters. There is no region in the world that is not touched by that human tragedy.

The United Nations has recognized the scope of the IDP problem and has attempted to act in a variety of ways. UNHCR currently helps over 15 million IDPs in 26 countries. The Secretary-General has a Special Representative on the human rights of internally displaced persons. The Human Rights Council has appointed a Special Rapporteur on the human rights of internally displaced persons. And the General Assembly has adopted resolutions such as resolution 64/162, entitled "Protection of and assistance to internally displaced persons".

Saint Vincent and the Grenadines views draft resolution A/67/L.68 as merely a region-specific elaboration of the humanitarian principles that undergird the international community's past and ongoing work on the issue of internally displaced persons. The draft resolution reaffirms the safe, dignified right to return for those displaced; stresses the importance of the property rights at issue; reaffirms the unacceptability of forced demographic changes; stresses the need for international humanitarian organizations to have access to the affected populations; supports the work on the humanitarian issues undertaken in the Geneva discussions, which, despite their acknowledged problems, remain the only forum for relevant stakeholders to meet and address the issues; calls for the elaboration of a timetable for return; and maintains the existing reporting instrument, namely, the Secretary-General's annual report.

While the international community may have some legitimate and ongoing disagreements on defining the outer parameters of the rights to be accorded to IDPs and States' obligations in that regard, today's draft resolution does not touch upon those issues. It instead reflects a narrow humanitarian application of universally agreed principles on a particular case of troubling internal displacement.

Since most of the world's IDPs are displaced due to wars and political disputes, Saint Vincent and the Grenadines is fully aware that it is oftentimes difficult to divorce the humanitarian from the underlying political issues attendant in those tragedies. However,

we agree with the 2011 report of the Secretary-General on this issue, which stated that

> "the right to return and its exercise by an internally displaced person cannot be formally linked to political questions or the conclusion of peace agreements. It is essential to recognize return as both a human right and a humanitarian issue that must be addressed irrespective of any solution to an underlying conflict". (*A/65/846, para. 25*)

Saint Vincent and the Grenadines has no interest in injecting itself into the ongoing discussions and negotiations among the parties or prejudging the complex legal and political issues that they must resolve. As such, we have closely examined the text of today's draft resolution for any hint of overt politicization, bias, or interference with ongoing processes. We are satisfied that the draft resolution concentrates solely on the humanitarian challenges of the IDP population at issue, and we commend the drafters for their focus and forbearance in that regard.

The international community cannot blithely espouse general principles without having the commitment to subsequently apply those general principles to specific contexts. Saint Vincent and the Grenadines has previously expressed its concern for the humanitarian needs of IDPs in, among other places, Azerbaijan, Colombia, the State of Palestine and Haiti. On the face of the draft resolution, we are comfortable in expressing similar concern for the IDPs from the areas at issue today.

Accordingly, Saint Vincent and the Grenadines will vote in favour of the draft resolution.

Ms. Burgstaller (Sweden): This is the fifth consecutive year that action is to be taken on the draft resolution before us since its introduction to the General Assembly. Unfortunately, no substantial progress has been made in the areas of security, human rights or the humanitarian field concerning the internally displaced persons and refugees from Abkhazia and the Tskhinvali region/South Ossetia.

Ahead of the upcoming international discussions scheduled for 25 and 26 June in Geneva, Sweden wishes to call on all of the participants in those discussions to work together towards sustainable arrangements related to security and the humanitarian situation, bearing in mind the needs of the local population.

Sweden would like to take this opportunity to reiterate its firm support for the sovereignty and territorial integrity of Georgia within its internally recognized borders. Sweden will vote in favour of draft resolution A/67/L.68, as it has done in previous years, and we would also call on others to join us in supporting it.

The Acting President: We have heard the last speaker in explanation of vote before the voting.

The Assembly will now take a decision on draft resolution A/67/L.68, entitled "Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia".

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Albania, Andorra, Antigua and Barbuda, Australia, Austria, Bahamas, Belgium, Belize, Bosnia and Herzegovina, Bulgaria, Burundi, Canada, Central African Republic, Croatia, Czech Republic, Denmark, Dominica, Estonia, Finland, France, Gambia, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Moldova, Romania, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sierra Leone, Slovakia, Slovenia, Somalia, Spain, Sweden, Tuvalu, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu

Against:

Armenia, Belarus, Cuba, Democratic People's Republic of Korea, Lao People's Democratic Republic, Myanmar, Nauru, Nicaragua, Russian Federation, Serbia, Sri Lanka, Sudan, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe

Abstaining:

Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Djibouti,

Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iraq, Israel, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nepal, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Seychelles, Singapore, Solomon Islands, South Africa, Suriname, Swaziland, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, Uruguay, Yemen, Zambia

Draft resolution A/67/L.68 was adopted by 62 votes to 16, with 84 abstentions (resolution 67/268).

[Subsequently, the delegation of Azerbaijan informed the Secretariat that it had intended to vote in favour; the delegations of Saudi Arabia and Senegal informed the Secretariat that they had intended to abstain.]

The Acting President: Before giving the floor to speakers in explanation of vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Ntwaagae (Botswana): My delegation is wholly in sympathy with the plight of internally displaced persons in South Ossetia and Abkhazia. Indeed, we are concerned that it has taken us far too long to find a solution to the problem. We very much respect the need for unimpeded humanitarian access to the affected population, but my delegation believes that a solution must be found to the problem and that we must be guided to such a solution by the provisions of the Charter of the United Nations and of international law.

We have been encouraged in the past five years by the reports of the Secretary-General on the situation. The recent report of the Secretary-General (A/67/869) indicates that the Geneva process remains the only viable solution to the problem. My delegation's belief is that we need to avoid undermining the Geneva process or even prejudging its outcome.

We feel that the parties to the conflict need to exercise restraint and proceed along the lines of the Geneva process. By abstaining in the voting on the resolution today, Botswana is simply saying that the two parties to the conflict need to exercise restraint and to give the Geneva process a chance, since the report of the Secretary-General indicates that it remains the only viable solution to the problem.

Mr. Guerber (Switzerland) (*spoke in French*): Switzerland would like to explain its abstention in the voting on resolution 67/268, introduced by the representative of Georgia and entitled "Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia".

Expressing its ongoing policy, Switzerland recalls the obligation to pay particular attention to the situation of internally displaced persons (IDPs) and refugees in post-conflict situations and their right to return to their place of origin. Switzerland has provided, in its territory, the most favourable conditions possible for the discussions held in Geneva in the aftermath of the 2008 conflict. It believes that to be the appropriate forum for discussions on the question of IDPs and refugees. Switzerland therefore supports all efforts of the international community aimed at achieving a solution based on consensus between the parties with respect to the question of IDPs and refugees.

Mr. Fernandes (Brazil): Although Brazil acknowledges the difficult situation arising from the high number of Georgian IDPs and refugees, we have maintained our abstention in the voting today out of the belief that resolution 67/268 deals with issues that are subject to the discussions in Geneva.

Brazil supports the territorial integrity of Georgia and does not recognize the independence of Abkhazia or South Ossetia. Brazil is confident that the situation in Georgia can be solved through dialogue and is encouraged by the recent exchanges between Georgia and Russia. Overcoming the challenges that the internally displaced persons and refugees face will depend on the creation of favourable political conditions for their return and a stable security environment.

In line with the Secretary-General's most recent report on the matter (A/67/869), Brazil urges the parties to make efforts to identify lasting solutions to the situation of internally displaced persons and refugees, keeping in mind, in particular, their right of return. Confidence-building measures, increased cooperation and the strengthening of the dialogue between the parties will be of particular importance to that end.

Ms. Ivanović (Serbia): I am taking the floor to explain our vote on resolution 67/268.

As a country that has been faced with a protracted refugee and internally displaced persons situation in its territory, Serbia is fully committed to finding just, comprehensive and sustainable solutions to displacement situations all over the world. We support the long-standing practice of the General Assembly of seeking common understanding in addressing sensitive humanitarian issues by adopting carefully negotiated resolutions by consensus. To that end, we believe that the General Assembly should continue to deal with displacement issues within the comprehensive framework of the thematic draft resolutions on internally displaced persons and refugees adopted in the Third Committee.

Let me emphasize that Serbia respects the sovereignty and territorial integrity of all Member States, including Georgia, and understands Georgia's concern about the status of internally displaced persons and refugees. We support every effort to find a comprehensive and durable solution for the specific situations of internally displaced persons and refugees. Therefore, resolutions aimed at finding such solutions should, in our view, be adopted by consensus.

That is why, as in previous years, while recognizing the importance of the elements contained in the resolution that has just been adopted that apply to the problem of displacement in general, Serbia could not support it.

Mr. Eler (Turkey): I am taking the floor to briefly explain our position. We are concerned that the conflicts in the Abkhazia and South Ossetia regions of Georgia remain unresolved. The situation has serious economic, social and humanitarian consequences, primarily for the people of Georgia, but also for the peoples of the Caucasus region as a whole.

Turkey supports all efforts aimed at ensuring a peaceful resolution of these conflicts. We invite all parties to work towards a comprehensive and sustainable peace that would also provide for the return of internally displaced persons and refugees. As a country of the region and a neighbour of Georgia, we stand ready to contribute all efforts towards this end. I would like to reiterate Turkey's firm commitment to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders.

We continue to believe that the Geneva talks provide a valuable forum for also addressing the issue of the voluntary, safe, dignified and unhindered return of internally displaced persons and refugees. We hope that the discussions in Geneva can be made to achieve their full potential in order to bring about positive and concrete outcomes. To achieve that, we call on all sides to seriously engage with others in a cooperative manner and to take action to build confidence.

The Acting President: We have heard the last speaker in explanation of vote.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 34?

It was so decided.

The meeting rose at 10.55 a.m.